



NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC.
8001 BRADDOCK ROAD, SUITE 600, SPRINGFIELD, VIRGINIA 22160 • (703) 321-8510

BRUCE N. CAMERON, J.D.

Admitted MA, GA and DC only

web bnc@nrtw.org
fax (703)321-9319

November 10, 2004

Hand delivered

Lawrence Norton, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 5612

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 NOV 10 P 2:32

Re: *Gleason and Service Employees International Union, MUR No.*

Dear Mr. Norton:

You will find enclosed an original and three copies of a sworn complaint by Stefan Gleason against the Service Employees International Union.

Thank you for your attention to this matter.

Very truly yours,

Bruce N. Cameron

BNC/njr
enclosures

cc: Stephan Gleason
William Messenger, Esq.

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**FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA**

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 NOV 10 P 2: 32

Stefan Gleason,

Complainant,

and

Service Employees International Union,

Respondent.

MUR No. **5612**

COMPLAINT

Facts:

1. Stefan Gleason is the Vice-President of the National Right to Work Legal Defense and Education Foundation, Inc. ("Foundation"). The Foundation provides free legal aid to employees who suffer an abuse of compulsory unionism. An abuse of compulsory unionism includes the mis-expenditure of the dues and fees of employees who are required to join or financially support a labor union as a condition of employment.
2. Service Employees International Union ("SEIU") is a labor organization as defined in 2 U.S.C. § 441b(b)(1). SEIU derives the majority of its general treasury funds from employees who work under collective bargaining agreements which compel them to join or financially support SEIU as a condition of employment.
3. The President of SEIU, Andrew Stern, in a July 28, 2004, interview entitled "A

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Union Chief's Bold New Tack," published in *Business Week Online*

(<http://uk.biz.yahoo.com/040728/244/ez11j.html>), admitted that SEIU intended

to become the "biggest contributor" to America Coming Together ("ACT").

Stern is one of ACT's founders. This article states that "65 million" dollars will be spent by SEIU on political matters, with some of it contributed to ACT.

The article also admits that a source of these political contributions is "the regular dues-paying members" of SEIU. This article is attached as Exhibit A.

4. On November 1, 2004, SEIU issued a press release entitled "Anatomy of an Election Strategy: The Facts on SEIU's Role in Bringing Home a Victory for America's Working Families." This press release is posted on the official SEIU web site at: <http://www.seiu.org/media/press.cfm?ID=1201> and is attached as Exhibit B. This press release states "that SEIU is the largest contributor to ACT at \$26 million." Thus, at least \$26 million of the \$65 million spent by SEIU on politics was contributed directly by SEIU to ACT.
5. Based on the statements of Mr. Stern in the *Business Week* article, it appears the majority of the \$26 million contributed to ACT came out of the general treasury funds of SEIU, and therefore had as its source the dues and fees paid by employees.
6. An October 13, 2004, article written by Andrew Loughnane, entitled "Coming Together: Solway Gallery show seeks to inspire voters," was published in the *Cincinnati CityBeat*. This article reported on a political fund-raiser organized by

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ACT in partnership with a graphics company, in which art prints would be given as a "gift" to anyone who made at least a \$1,000 donation to the Democratic National Committee to support federal candidates. The article reports that ACT, by organizing the exchange of prints for political contributions, had raised more than \$750,000 in donations to the Democratic National Committee. This article, found at: <http://www.citybeat.com/current/art2.shtml>, is attached as Exhibit C.

7. The result of this scheme is that compulsory dues and fees money is contributed to ACT, which in turn uses these funds to create campaign contributions to the Democratic National Committee.

8.

9. Ordinary employees who are required, as a condition of employment, to make dues and fee payments to SEIU may not agree with the political aims of SEIU, ACT and the Democratic National Committee. They may not want the dues and fees that they are supposedly paying to promote collective bargaining to be used instead to procure a ticket for President George W. Bush to go back to his home town. They may prefer, as did the majority of voters, to allow him to stay in Washington, D.C..

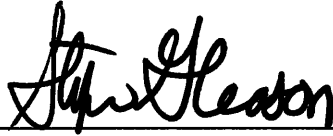
Law:

10. 2 U.S.C. § 441b(a)^s prohibits SEIU from making a “contribution or expenditure in connection with any [federal] election.”
11. A “contribution or expenditure” is defined by 2 U.S.C. § 441b(b)(2) to include “any services, or anything of value.”
12. 2 U.S.C. § 441b(b)(3)(A) specifically prohibits these contributions to be made from “dues, fees, or other moneys required as a condition of membership in a labor organization.”
13. An exception exists in 2 U.S.C. § 441b(b)(2)(A)&(B) which would permit SEIU to use its general treasury funds to communicate about the federal election with its own members and to engage in non-partisan get-out-the-vote campaigns among its own members. No exception exists for the activities described in paragraphs 1-9 of this complaint which are directed towards the general public, are partisan and are used to raise hard money for federal candidates.

Conclusion:

14. When SEIU uses these dues and fees from its general treasury to make contributions to ACT, which then uses the SEIU dues money to raise campaign contributions to the Democratic National Committee and engage in partisan statements and partisan get-out-the vote campaigns, SEIU violates 2 U.S.C. § 441b.

Verification:



Stefan Gleason
6168 Old Brentford Ct.
Alexandria, Virginia 22310

Before me, a Notary Public in and for the Commonwealth of Virginia, personally appeared Stefan Gleason, who swore that the contents of this Affidavit are true and subscribed to the same on the line provided for his signature.


Notary Public

My commission expires: 12/08

Respectfully submitted,



Bruce N. Cameron (D.C. Bar No. 380850)
William Messenger (VA Bar No. 47179)
c/o National Right to Work Legal
Defense Foundation
8001 Braddock Road
Springfield, Virginia 22160
(703) 321-8510
Attorneys for Stefan Gleason

Dated: November 10, 2004



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Wednesday July 28, 01 49 PM

A Union Chief's Bold New Tack

With 1.6 million members, the Service Employees International Union is the nation's fastest-growing labor group. Much of the credit goes to SEIU President Andrew L. Stern, who has added 800,000 members since taking the helm in 1996. Now, while Stern throws its muscle behind Big Labor's efforts to get John Kerry elected, he's also pushing for changes at the AFL-CIO, of which the SEIU is a part

At the Democratic National Convention in Boston, Stern sat down with BusinessWeek's Lorraine Woellert and Paula Dwyer to discuss labor's strategy for the Presidential campaign and the future of his union. Here are edited excerpts from their conversation:

Q: The Presidential race remains neck and neck. How can Kerry pull this off?

A: In the end, the election is going to be won by turning out new voters who aren't necessarily swing or independent. They just have been previously unregistered or previously not voting. It's a very thin margin. For example, in Missouri, [pollsters] assume an 8% African-American turnout. [Yet], in 2000 there was a 12% African-American turnout. When you ask [pollsters] why, they say 2000 was an aberration, because [traditionally] only 8% [have] voted. But the reason 12% voted in 2000 was because [Democrats] worked to get the vote out.

Q: Republicans are doing things like collecting and using church directories for canvassing. You're saying this type of tactic is new?

A: People used to go to the churches and give out the voter guide to everyone. That's a lot different than getting the church list and talking to those people as a target audience, identifying them, registering them, and turning out the vote. [It's gone from being] a swing voter, independent strategy to being a new voter, new target strategy.

Q: Do you have numerical targets in the key states?

A: [Iowa Governor Tom] Vilsack says Iowa is collecting 1,200 absentee ballots a day. In Missouri we've registered over 50,000 [voters]. We did a hundred-and-something-thousand in Philadelphia, 70,000 of which ended up voting in the mayor's race.

Q: How have the new McCain-Feingold rules limiting campaign donations affected the game?

A: McCain-Feingold has liberated independent groups to do what they thought they could do better than the party, which is do grassroots, registration, and mobilization.... In the past, if you had [unlimited] soft money and you were [a big donor like] Haim Saban or Steve Bing, you gave it to Bill Clinton and got a night in the Lincoln Bedroom or a flight on Air Force One.

But since they've limited soft money, you can't do that anymore. If you're someone like George Soros, who is a businessman, you want to have a high-performing organization. You're almost like a venture capitalist trying to figure out where to invest your money. [The new system] gives donors the advantage of figuring out how to get credit and how to get effectiveness at the same time.

When the parties were in charge, all you could do was get credit, because the parties determined effectiveness. It really is like a market where people compete to convince George Soros or Haim Saban or Steve Bing or unions or whomever that you have the best product on the market, not just the largest product.

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Exhibit A.

Q: Is there a risk that the message might get muddled? That you get a multitude of conflicting messages?

A: Perfect capitalists would say the market would resolve that problem.

Q: The GOP made great progress in turning out the vote in 2000, when they basically stole the unions' playbook. They're building on that effort this year. How do the get-out-the-vote efforts on each side stack up?

A: The Republican Party is a dictatorship right now. All the money is in the party.... You have a single line of control. It's very top-down, as when Bill Clinton ran the [Democratic] party. The party was really Bill Clinton's consulting firm, Bill Clinton's media firm. If you want to know the worthlessness of parties, in some people's minds, ask Bill Clinton why, when he left office as the greatest fund-raiser in the history of the Democratic Party, [he] left it [in debt] in an old building with no voter file. It must mean you don't think much of an institution if, after eight years in office, you don't think it needs to live on beyond you.

The Republicans are a party controlled by the President and [GOP political operatives] Karl Rove and Ken Mehlman. There are advantages. They know what they want to do. But there are disadvantages. They're very inflexible.

Q: What's SEIU's relationship to the liberal activist 527 groups such as America Coming Together (ACT) or the Media Fund? Both have vowed to raise millions in unregulated dollars – including union money – to defeat President Bush (see BW Online, 7/28/04, "Why 527 Is the Dems' Lucky Number").

A: We have full-time workers that will be in 16 battleground states by September [for ACT]. We will be ACT's largest contributor.

Q: How much are you spending, and where will the money go?

A: We're going to spend about \$65 million on the effort. We asked all our members to add a \$20 special assessment this year. About half a million have done that. Our money comes from that assessment, voluntary contributions, and the regular dues-paying members. About \$40 million will be spent on taking members off the job to go to battleground states, to house them, and pay for salary and health care.

They'll spend full-time talking about issues, registering people to vote, and turning them out to vote. We'll spend another \$20 million or so talking to our own members at their workplaces about the issues that are important to them, mailing and phone calls, and we'll spend the rest of the money giving to candidates.

Q: Tell us a little more about your work inside the AFL-CIO. You've been trying to expand and rejuvenate the union, take it in a new direction?

A: If you look at the union movement and you look at the Democratic Party I think they're both in incredible need of reform. The labor movement is no longer organized in the way that our employers are organized, the way our economy is organized. We are localized, the economy is globalized.

Q: So what are you doing? Expanding into new industries? Solidifying your hold?

A: A majority of our employers, probably by the end of the next decade, will be foreign corporations. Our kids are being driven to school by bus drivers in the private sector that are owned by three multinational companies [Sodhexo, Aramark (RMK), and Compass (CMPGY)], two of them based in the United Kingdom. We've been talking with other unions about creating the first global union in the country. We also have launched the first open-source virtual union in America, called Purple Ocean.

Q: What's an open-source union?

A: It means anybody can join. You can join, our family members can join.... We want to make people members of our union and mobilize them into the campaigns that we do everyday.

Q: In the past you've expressed dissatisfaction that the Democratic Party hasn't had a full debate on economic issues?

A: Hopefully, we're going to model the Republican Party, where a large group of ideas exists, and then there's a decision-making process. The Republicans have a much healthier, full-throated debate about where they stand.

The Democrats run from [an] issue because it's divisive, and I think we're hurt by that. People keep looking for the populist message, or whatever we call it, every year, because people are hungry for elected officials to talk about what might change their lives. In the absence of an economic message, we have had a candidate-driven model of politics.

If John Kerry and John Edwards win the election, I think it would be great for the country, but it's not going to change people's lives unless we really have a discussion of what we stand for. And we're ready to fight for what we stand for.

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CONTACT:

TJ Michels

202-898-3321

Ben Boyd

202-962-9727

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Anatomy of an Election Strategy: The Facts on SEIU's Role in Bringing Home a Victory for America's Working Families

Nation's Fastest Growing Union Built Largest Mobilization by Any Single Organization in the History of American Politics

The 1.7 million-member Service Employees International Union (SEIU) has played a critical role in shaping the outcome of the presidential election and several important races in three key ways:

1. applying organizing know-how to help set up the strategy and structure for a whole range of progressive coalitions.
2. providing an unprecedented level of people power, including more than 2,000 members working full-time for months in battleground states, along with more than 50,000 member volunteers.
3. making the largest investment by any single organization in the history of American politics – a total of \$65 million.

"What our members and allies have done will forever change the face of political organizing," said SEIU President Andy Stern.

"This is just the beginning," added SEIU Secretary-Treasurer Anna Burger, who oversees the union's political operation. "Our campaign will continue beyond election day to help John Kerry ensure that every American has access to quality, affordable health care."

A closer look at the know-how, people-power and money utilized in SEIU's Fight for the Future campaign (also see below for graphic breakdowns):

- **Creating strategic grassroots organizations.** SEIU's leadership helped build bold new organizations to coordinate and fund sophisticated grassroots efforts. President Andy Stern and other SEIU leaders founded and/or serve on the boards of the largest and most progressive community-based voter mobilization groups like ACT, America Votes, Mi Familia Vota, American Families United, and the New American Opportunity Campaign.

Exhibit B

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- **The largest single contributor.** SEIU is the largest contributor to ACT at \$26 million (exceeding individual contributions by George Soros and Peter Lewis); the AFL-CIO's Labor 2004 Program; and America Votes (\$900,000). SEIU tripled the amount spent in 2000 (\$65 million in 2004) to make significant donations as well as "in-kind contributions" – SEIU members and staff – to groups like Voting is Power, Mi Familia Vota, ACT and its Caribbean Power Vote, and America Votes, that together registered nearly 4.5 million new voters. SEIU gave \$1 million to the DNC and has made large donations to groups that share our goals, like Rock the Vote and the New Democratic Network.
- **Largest commitment of people power.** Accounting for a pre-GOTV total of more than 6 million voter contacts in the battlegrounds, SEIU recruited more than 2,750 members and staff willing to take a leave from their jobs to do full-time political work with organizations like ACT, allowing the union to reach beyond the labor movement for the first time to conduct real voter contact with a wider universe of workers. Roughly 40 percent of SEIU's full-time activists, or "Heroes" don't live in the battlegrounds, so they packed their bags – nearly 1,000 of them as early as April and July – and temporarily moved to 16 key states. SEIU rallied another 50,000 "weekend warriors" who are now ratcheting up their GOTV efforts for a grand total of 19 million phone calls and 10 million doors knocked across the country.
- **Independent TV and radio expenditures.** SEIU spent just over \$3 million on federal independent expenditure TV and radio ads, including \$1.4 million for three TV and six radio spots in Wisconsin on health care, and \$500,000 for three Spanish-language TV ads in Florida's three largest markets running since mid-October through Nov. 2. Several other significant radio and TV buys hit the airwaves in ME, MO, NC, and AR. In addition, SEIU put \$2.6 million into non-federal independent expenditures and initiative campaigns in CA, ME, AZ, FL, and NV and \$9 million in direct contributions to worker-friendly candidates, campaigns and organizations.
- **Worker communication and technology.** 500,000 SEIU members, many of them low-wage workers who earn less than \$30,000 a year, have voluntarily contributed an overall total of \$16 million towards the union's political action fund that helped pay for SEIU's nurses, janitors, security officers, public employees in battleground states to receive over 4 million pieces of direct mail, designed to share with union households John Kerry's vision for the country. Four purple mobile action centers traveled around the country to bring a unique communications technology to SEIU members, allowing them to complete millions of phone calls to voters across the country.
- **Early focus on health care.** The SEIU-led Americans for Health Care helped make health care a top campaign issue throughout the primary season with billboards and TV spots featuring Iowa and New Hampshire nurses calling on the candidates to offer comprehensive health care plans. The group has also identified over 300,000 "health care voters" – Americans who have signed pledges to hold politicians accountable on the issue at the polls.
- **Health care campaign continues.** SEIU members aren't

waiting for the ballots to be counted to spearhead a national effort to make sure quality, affordable health care is the number one priority for the next Administration and Congress. On Election Night, SEIU will begin airing an



issue-based ad on CNN. As well, thousands of SEIU members will begin to distribute 1 million stickers that read "Quality, Affordable Health Care: Job 1 in 2005."

»» ***View a flash presentation highlighting SEIU's organizational, monetary contributions and resource allocations for Election 2004 – Broadband or Dial-up***

(To view, you will need Macromedia Flash)

»» ***View graphic breakdowns of SEIU's mobilization efforts:***

Number Speak Louder Than Words (pdf)

SEIU's Involvement in 2004 Progressive Political Organizations (pdf)

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With 17 million members, SEIU is the largest and fastest growing union in the AFL-CIO, representing nurses, janitors, security officers and public employees, among others. SEIU is the nation's largest union of health care workers, and represents more immigrants than any other union.

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Coming Together

Solway Gallery show seeks to inspire voters

Review By Andrew Loughnane

To support current Democratic Party candidates, the Carl Solway Gallery has donated wall space for *Artists Coming Together: America Coming Together*, an election benefit print series. Comprised of 10 prints donated by important contemporary artists including John Baldessari, Cecily Brown, Robert Rauschenberg and Richard Serra, the series was organized by America Coming Together (ACT, actforvictory.org) with in-kind prints offered by Gemini G.E.L. (Graphic Editions Limited). ACT is one of the largest voter mobilization programs in American history, while Los Angeles-based Gemini G.E.L. has specialized in world-class, limited-edition prints and objects for over 40 years.

The exhibition, in the recently-renovated Solway gallery, leaves collectors, arts enthusiasts and staunch Democrats with every reason to take notice. Housed in a new rear entryway, this series offers a simple show of sleeping giant stature.

To begin with, the prints themselves -- screen prints, lithographs and a litho-block print transfer by Susan Rothenberg -- are of the highest quality. What's more, they are "affordable" for most collectors -- if they are willing to be Democratic Party contributors. The works are "free" when an individual makes a minimum contribution of \$1,000, with a \$5,000 limit if the funds support the federal Democratic ticket. ACT has already collected upwards of \$750,000 from donations in exchange for the limited-edition prints on display here and elsewhere. The prints technically are not for sale, but are rather a gift in exchange for a donation, so it's natural to conclude collectors might cash in on this opportunity to own a Rauschenberg or to acquire Richard Serra's rare, non-characteristic lithograph with the all-too-familiar image of a hooded Iraqi prison inmate, available in both standard format or as a separate larger print. In fact, many donations have been made to ACT to support the Democratic campaign, ranging from local grassroots efforts to the presidential race.

Stanly Grinstein of Gemini G.E.L. knows that many collectors seek pieces from the print series. Grinstein's ideology and Gemini's past fund-raising efforts reveal an ongoing commitment to ACT's current cause. Dating back to the Helms-Gantt senatorial campaigns of 1990 and 1996 (both of which Democrat Gantt lost), Gemini G.E.L. has consistently donated prints to fund-raisers supporting the Democratic Party and its constituents. Though reticent to detail the level of his personal commitment to the party, Grinstein points out that the current partnership between ACT and Gemini G.E.L. was partially funded by Ohio's own Democrat power broker and insurance tycoon, Peter Lewis. Lewis provided \$36.9 million for a Frank Gehry-designed business school at Cleveland's Case Western Reserve University then later froze funding to that city's nonprofit organizations because he "always liked shaking things up." His contribution to the Cincinnati exhibition is small potatoes by comparison, but Lewis' Buckeye roots and current involvement are significant.

While for Cincinnatians access to an exhibit of blue chip artists might be enough, *Artists Coming Together America Coming Together* entails much more on a larger scale, and for a multitude of reasons overlooked by many of us here in town. For example, Solway's extensive collection of world-class art and membership to the Art Dealers Association of America immediately earns this miniscule show international attention, although "buyers" (in other words, campaign contributors) are restricted by U.S. election laws to citizens and green card holders.

Moreover, the historical documentation of such a high-profile portfolio, available in its entirety for a mere donation of \$10,000, offers a heavy-hitting addition to anyone's collection. Of course, most of us can't afford such a luxury, but the idea of such a magnificent collection gracing the walls of local corporate offices like Northern Kentucky's Fidelity Investments, Chiquita or even Procter & Gamble offers us hope in a bleak political climate. **Grade: A**

ARTISTS COMING TOGETHER: AMERICA COMING TOGETHER is on view at Carl Solway Gallery through November.

E-mail [the editor](#)

Exhibit C

Previously in Art

- **Art Projections** Media Bridges will bathe O-T-R buildings with video and more By Selena Reder (September 29, 2004)
- **Taking Art to the Streets** Famous images hit the road in Clifton By Andrew Loughnane (September 22, 2004)
- **A Decade of Growth** Cincinnati has built a powerhouse of cultural facilities By Jean E. Feinberg (September 15, 2004)
- **more...**

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